IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 12879 of 2005

Between:

1 Parigi Munnappa S/o. Ramana
2 konkarti Ramulu S/o. Sankarappa
3 Parigi Ranga Reddy S/o. Ramanna
4 Chukka Linga Reddy S/o. Narasappa
5 Buruju Mannepu Reddy S/o. Narsappa
6 Marati Laxma Reddy S/o. Narsimhulu
7 Chuka Chinnaasi Reddy S/o. Narsappa
(all the petitioner are R/o. Priyadarshini Village HO-Nandimala, Atmakur Mandal Kurnool District.
8 Mekkali Madhava Reddy S/o. Hanmaiah
9 Morithi Hanumanth Reddy S/o. Thai Reddy
10 Parigi Sekhar S/o.Bhimanna
(petitioner 8 to 10 are R/o. of Eerladinne village Narva Mandal Kurnool dist.

....PETITIONERS

AND

1 The Spl. Dy. Collector
Priyadarshini Jurala Project Gadwal
Mahaboobnagar district.
2 The Spl. Collector
Srisailam Project Kurnool.
3 The District Collector
Mahaboobnagar Dist.
4 The Executive Engineer Priyadarshini Jurala Project
L.A.R.Division Gadwal
Mahaboobnagar.
5 The Superintending Engineer Circle-I, PJP Gadwal,
Mahaboobnagar Dist.

6 The Secretary to the Govt., Irrigation and CAD (LA III) Dept.,
Secretariat Buildings Hyderabad.

...RESPONDENTS

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

W.P.No. 12879 OF 2005

ORDER:

1. This writ petition has been filed by the petitioners who are 10 in number with a prayer to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned order passed by the Secretary to the Government, Irrigation and CAD, (LA III) Department, Secretariat Buildings, Hyderabad under Memorandum No. 3514/LA-III(2)/2005, dated 9-5-2005 as illegal, biased, influenced, malafide and violative of principles of natural justice.

2. The petitioners are owners of the land bearing Survey Nos. 134 and 139 admeasuring Ac.12-37 gts. and 0-20 gts respectively. It is the contention of the petitioners that they have put up the constructions in the lands and they have been residing there.

3. The grievance of the petitioners is that the respondents-authorities are initiating proceedings for acquisition of the land leaving the structures therein.

4. A counter affidavit has been filed by the Respondents 1 and 2. The fact of existence of structures in the lands in question is not disputed in the counter affidavit. The reasons assigned for deletion of the structures in acquisition proceedings is that the petitioners constructed structures contemplating acquisition.

5. Heard the learned counsel for the petitioners and learned Government Pleader for Acquisition appearing for respondents.

6. The learned counsel for the petitioners submits that the respondents are not justified in not including the structures made by the petitioners in acquisition proceedings despite the fact of the existence of structures in the lands under acquisition. He refers the Joint Inspection Report conducted by Joint Collector, Special Deputy Collector, Superintending Engineer, PJP Circle No.1, Gadwal and Addl. District Magistrate, Mahaboobnagar to substantiate his contention with regard to existence of structures in the lands under acquisition.

7. The learned Government Pleader for Land Acquisition submits that structures were put by the petitioners contemplating the acquisition proceedings and with a sole object of claiming enhanced compensation.

8. The fact of existence of the structures in the land in question is not disputed by the respondents. The earlier acquisition in respect of the some other survey numbers was in the year 1993. It is highly impossible to imagine that the petitioners had put up constructions in the year 1993 contemplating acquisition of their land in the year 2004. The Joint Inspection report indicated the existence of the structures in the lands in question. Such is the situation, the action of the respondents in excluding the structures in acquisition proceedings is arbitrary and illegal.

9. Accordingly, the writ petition is allowed directing the respondents to include the existing structures in the lands in question in acquisition proceedings. Since notification under Section 4(1) of the Act is already issued, the respondents are required to issue supplementary notification or fresh notification to that effect. This exercise shall be completed within six weeks from the date of receipt of a copy of this order. No order as to costs.

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B.Seshasayana Reddy,J

25th July, 2005.

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That Rule Nisi has been made absolute as above.

Witness the Hon’ble Sri Bilal Nazki, the Acting Chief Justice on this the twenty fifth day of July, two thousand and five.

Assistant Registrar

THE HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

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W.P.No. 12879 OF 2005

25th July, 2005.